

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARIA D. MILLER,

Plaintiff,

v.

18-CV-583-LJV-JJM  
DECISION & ORDER

BUFFALO PUBLIC SCHOOLS,

Defendant.

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On May 21, 2018, the plaintiff, Maria D. Miller, commenced this action alleging violations of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, in connection with her employment by the defendant, Buffalo Public Schools. Docket Item 1. On August 1, 2018, this Court referred this case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 8.

On June 3, 2021, the defendant moved for summary judgment, Docket Item 34; on August 10, 2021, the plaintiff responded, Docket Item 40; and on August 31, 2021, the defendant replied, Docket Item 41. On November 4, 2021, Judge McCarthy issued a Report and Recommendation (“R&R”) finding that the defendant's motion should be granted. Docket Item 42.

On November 18, 2021, the plaintiff objected to the R&R on the grounds that she “disagrees with the application of the law to the facts of this case.” Docket Item 43. She did not, however, cite a single case in support of her arguments, nor did she offer much more than her disagreement with Judge McCarthy by way of analysis. *See id.*

On December 10, 2021, the defendant responded to the objection. Docket Item 45.

The plaintiff did not reply, and the time to do so now has passed. See Docket Item 44.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must review *de novo* those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

This Court has carefully and thoroughly reviewed the R&R; the record in this case; the objection and response; and the materials submitted to Judge McCarthy. Based on that *de novo* review, the Court accepts and adopts Judge McCarthy's recommendation to grant the defendant's motion for summary judgment for the reasons stated in the R&R.

### **CONCLUSION**

For the reasons stated above and in the R&R, the defendant's motion for summary judgment, Docket Item 34, is GRANTED. The Clerk of the Court shall enter judgment for the defendant and close this case.

SO ORDERED.

Dated: May 4, 2022  
Buffalo, New York

**s/ Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE